

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AETNA LIFE INSURANCE COMPANY <i>Plaintiff</i>	:	CIVIL ACTION
	:	
v.	:	NO. 13-3101
	:	
FOUNDATION SURGERY AFFILIATES, LLC, et al.	:	
	:	
<i>Defendants</i>	:	

ORDER

AND NOW, this 13th day of December 2018, upon consideration of the *motion to dismiss for lack of subject matter jurisdiction*, filed by Defendants Foundation Surgery Affiliates, LLC, and Foundation Surgery Management, LLC (collectively, the “Foundation Defendants”), [ECF 208], and Plaintiff Aetna Life Insurance Company’s opposition thereto, [ECF 211],¹ it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion of this date, the Foundation Defendants’ motion to dismiss is **DENIED**.

It is further **ORDERED** that the Clerk of Court shall place the accompanying Memorandum Opinion **UNDER SEAL** until further Order of this Court.

It is further **ORDERED** that by January 14, 2019, the parties shall each file a memorandum addressing whether any portion of this Court’s Memorandum Opinion should remain under seal and the justification for placing it under seal.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ In adjudicating the Foundation Defendants’ motion, this Court has also considered the parties’ respective supporting briefs and exhibits. [ECF 213, 214, 215, 219, 221, 222, 223, 224, and 225].